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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,048	08/21/2003	George C. Schedivy	8002A-65	6545

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EXAMINER	
YENKE, BRIAN P	
ART UNIT	**PAPER NUMBER**
2622	

MAIL DATE	DELIVERY MODE
11/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/645,048	SCHEDIVY, GEORGE C.	
	Examiner	Art Unit	
	BRIAN P. YENKE	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Amendment (27 Aug 07)*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-29 and 36-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *all the above* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 27 Aug 07 have been fully considered but they are not persuasive.

Please see the rejection below for the newly added limitations.

Claim Rejections - 35 USC § 103

2 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 5-29 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, US 2003/0226148 in view of Nagata et al., US 2002/0149708 and Kitano et al., US 6,724,317.

In considering claims 1, 7, 9, 11 and 13,

a) the claimed hood...is met by Ferguson which discloses a vehicle seat cover (hood) which is connected to a FM transmitter 14 and DVD player 20 (Fig 3b). Ferguson discloses that a port may connect a game device, and where adapter 19 may be plugged into the cigarette lighter or auxiliary power connector of the vehicle.

Regarding the newly added limitation, "...wherein the hood includes an opening...is reduced to secuire the hood to the headrest."

Although Ferguson disclose a hood (cover) which may be placed over the seat/headrest, the concept of a hood/cover having an opening and being able to be secured is most notably a conventional characteristic of a hood (by definition), thus the inclusion of such language/limitations in the context of the invention produces no unexpected results, and thus is not a patentably distinct features.

As recently decided by the Supreme Court in KSR vs Teleflex, If a person of ordinary skill in the art can implement a predictable variation, and would see the benefit of doing so, a 103 rejection likely bars it's patentability. In the instant application, the differentiation of a hood with a opening for the headrest produces what would be expected and thus is rejected based upon the notion of obviousness with respect to predictable/conventional results.

Regarding the newly added limitation, behind the display, although Ferguson discloses a system where the media device is below the display, the integration of the display/media device is conventional in the art, based upon designers needs/size/requirements.

Nonetheless the examiner will rely upon Nagata which discloses such a media device where the DVD/media player 6 (Fig 6) is physically behind the display 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ferguson which discloses a hood sized entertainment system, by incorporating such integrated devices which obviously take up less room than if separated.

Although the Ferguson/Nagata combination do not explicitly recite the concept of providing displays within a seat/headrest that rotate (i.e. pivotal doors) which is a conventional practice in the art to allows the passengers to raise/lower/position the screen to a desired position/angle

The examiner evidences such by incorporating Kitano et al., US 6,724,317, which discloses that it is known to have pivotal displays (i.e. that rotate) either in the headrest, the console or the ceiling of the vehicle, wherein the display/media devices/players are mounted to a door/pivoting device which is secured/mounted to a structure/base.

Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the media device/display within a vehicle seat cover (hood) as done by Ferguson/Nagata by also utilizing conventional capabilities such as pivoting, wherein the media player/display may be rotated according to the occupant of the seat/vehicle.

In considering claim 2,

Ferguson discloses a video 13 which is located within the seat cover as shown, where the display includes the claimed hood/cover and claimed frame (structure to fit in opened portion) to place in the hood.

In considering claims 6 and 15,

Ferguson discloses a plurality of media components (Fig 3b) connected to the cover/hood, wherein the DVD appears to be stationary, wherein the claimed docking station, base portion are met by the above elements.

In considering claim 5,

Ferguson discloses a DVD player meeting the slot-type device.

In considering claim 8,

Ferguson discloses a transmitter including a tuner/antenna however Ferguson does not explicitly recite a wireless optical transmitting device, although such device is an off the shelf/conventional item which may be incorporated into a system by design in order to provide the user use of conventional transmitters (LED, lasers etc...) to transmit the information optical wirelessly, thus the examiner takes "OFFICIAL NOTICE" regarding such.

In considering claim 10,

Ferguson disclose a display 13, where given the broadest interpretation of the claim, a cover (screen) is provided.

In considering claim 12,

Ferguson disclose a display 13 which is controlled to display either a DVD or game as desired/controlled/inserted/selected by the user.

In considering claim 14,

Ferguson discloses straps 21 which are used to tighten the cover to the seat/headrest, although the claim recited "drawstrings" to reduce the size of the opening, this feature would be obviated in view of the rejection of newly added limitation of claim 1 above.

In considering claim 16,

See claim 6 above.

In considering claim 17,

See claim 7 above.

In considering claim 18,

See claim 8 above.

In considering claim 19,

See claim 9 above.

In considering claim 20,

See claim 10 above.

In considering claim 21,

See claim 11 above.

In considering claim 22,

See claim 12 above.

In considering claim 23,

See claim 13 above.

In considering claim 24,

See claim 12 above.

In considering claim 25,

See claim 14 above.

In considering claims 26-29,

See claim 4 above.

In considering claims 36-37,

Kitano discloses the concept of when the door is opened (i.e. display is pivoted/rotated accordingly) access to the media device is provided, wherein the user has access to media control (i.e. loading point).

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, US 2003/0226148 in view of Nagata et al., US 2002/0149708

Refer to the rejection of claim 1 above.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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(FAX) 703-305-7786

(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

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B.P.Y
30 October 2007

BRIAN P. YENKE
PRIMARY EXAMINER